

## **REMARKS**

Claims 1 through 10 and 12 through 23 are now pending in the application. Claims 3, 5 through 8 and 14 through 18 are withdrawn. Claim 20 is herein amended. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 112, first paragraph**

Claims 1, 2, 4, 9, 10, 12, 13, and 19 through 23 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. This rejection is respectfully traversed.

The Examiner stated ““The cap being “in contact with” (claims 1 and 21) and “engaged with” (claim 19) the convexly curving domed shape of the flange is considered new matter. The cap has not been disclosed as contacting or engaging the domed portion of the flange.”” Applicant respectfully disagrees with the Examiner’s statement that the cap has not been disclosed as contacting or engaging the domed portion of the flange.

Applicant previously elected to prosecute invention I, Species B, Figures 6 and 7 with traverse. Figure 6 is unambiguously described in paragraph [0030] of the specification as including “cap 20 is formed with the cavity to engage the flange 3 of the rivet 1.” Figure 6 clearly discloses (but does not number) the rivet 1 having flange 3 defining a domed surface of the flange 3, and that the cap 20 includes a

correspondingly convexly curved cavity 22. The language of paragraph [0030] of the specification therefore broadly discloses the cavity engages the flange 3 without limiting the geometry of the cavity 22 or reciting any restriction of the geometry of cavity 22 which does not engage or contact flange 3. Any or all portions of the cavity 22 which engage or contact the flange 3 therefore meet this limitation. The cavity 22 must contact the flange 3 in order to engage flange 3. Only a disclosed geometry different from the disclosed domed outer face of the flange 3 or the convexly domed inner face of cavity 22 would clearly preclude the embodiment of Figure 6 from meeting the limitation described in the specification of the cavity engaging the flange. Respectfully, the specification and Figure 6 therefore broadly disclose the Claim 1 limitation of a cap disposable about the flange in contact with the domed surface.

The Examiner is respectfully requested to withdraw the 35 U.S.C. § 112, first paragraph rejection of Claim 1. Because Claims 2 through 10 and 12 through 13 depend from Claim 1, Claims 2 through 10 and 12 through 13 should therefore be in condition for allowance. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 112, first paragraph rejection of Claims 2 through 10 and 12 through 13.

For at least the same reasons as noted above, the Claim 19 limitation of a cap disposable about the flange and engaged with the undercut surface and the convexly curving domed shape of the flange is disclosed by the specification and Figure 6. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 112, first paragraph rejection of Claim 19. Because Claim 20 depends from Claim 19, Claim 20 should therefore be in condition for allowance. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 112, first paragraph rejection of Claim 20.

For at least the same reasons as noted above, the Claim 21 limitation of a cavity defining an undersurface operable to contact the domed first surface of the flange is disclosed by the specification and Figure 6. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 112, first paragraph rejection of Claim 21. Because Claims 22 through 23 depend from Claim 21, Claims 22 through 23 should therefore be in condition for allowance. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 112, first paragraph rejection of Claims 22 through 23.

**REJECTION UNDER 35 U.S.C. § 112, second paragraph**

Claim 20 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

It is initially noted Claim 20 has been editorially amended to change "[[a]] cap" to "the cap" to correct the antecedent basis for the cap previously defined in Claim 19. The Examiner is respectfully requested to enter amended Claim 20.

The Examiner stated "Claim 20 [is] redundant in view of the amendment to claim 19." Applicant respectfully disagrees that Claim 20 is redundant because Claim 20 provides further limitations not recited in Claim 19.

Claim 20 defines further limitations including "a resilient material", and "the cap including a cavity defining an undersurface operable to contact the domed outwardly facing surface of the flange, the cavity including an undercut surface resiliently engageable with the undercut surface of the flange to removably retain the cap on the flange". These features are not present in Claim 19. Claim 20 therefore defines and

distinctly claims subject matter not recited in Claim 19 which Applicant regards as the invention.

The Examiner is respectfully requested to withdraw the 35 U.S.C. § 112, second paragraph rejection of Claim 20.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: May 4, 2006

By:   
Thomas J. Krul, Reg. No. 46,842

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

TJK/mmk